

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 3:00 P.M. DECEMBER 8, 1998

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman
Sue Camp, Commissioner
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Betty J. Lewis, County Clerk
Katy Simon, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

98-1138 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the agenda for the December 8, 1998 meeting be approved.

PUBLIC COMMENTS

Sam Dehne, Reno resident, spoke on issues relative to the problems with the voting machines during the 1998 election process which included that absentee ballots were not mailed out during the primary, which he stated is a violation of law and should have negated everything at that point; and that there were dozens of incidences of double registration of people that do not live in Washoe County. He stated that he believes someone from another state should come to Nevada and oversee a total revote starting with the primary election.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the minutes of the regular meeting of November 10, 1998 be approved.

On motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, with Commissioners Mouliot and Shaw "abstaining" because they were absent, Chairman Bond ordered that the minutes of the meeting of November 12, 1998 [continued from November 10, 1998] be approved.

98-1139 KENNEL PERMIT APPEAL - TOM HAY

Commissioner Mouliot stated that he would not be voting on this issue because he owns property in the subject area.

Katie Stevens, Animal Control Officer, reviewed background information regarding the kennel permit application of Tom Hay to house 8 dogs at 9756 N. Virginia Street, Reno, Nevada, and answered questions of the Board.

Commissioner Mouliot stated that the kennels located on the property are actually used to store garbage and there is no shelter for the dogs.

Tom Hay, applicant, provided additional information and responded to questions of the Board. He advised that he does not believe

in putting the dogs in the kennels as he feels they have more freedom on chains; that he stores miscellaneous items in the kennels, but the kennels could be cleaned out and the dogs placed in them if necessary; that the dogs bark because of intruders or animals that come onto the property; that there are several dog houses on the property for shelter; that he is retired and is on the property most of the time; and that he raised all the dogs since they were puppies and they are close friends to him.

Ms. Stevens responded to additional questions of the Board and stated that a permit for more than 3 dogs on a property requires that they be kept in an enclosure.

Cindy Grasser, neighbor, advised that she owns the bar next to Mr. Hay's property; that there are times when Mr. Hay's dogs are loose, which has frightened off some of her customers; and that her bedroom is on the side of her house where Mr. Hay's property is and the only time she has been able to get a full night's sleep is when she leaves town.

Upon further questions of the Board, Mr. Hay stated that he would be willing to put the dogs in the kennels and put a cover on the kennels; that the dogs do not bark all night; and that he often has to chase off other dogs.

Further discussion commenced and the Board members commented that even if the dogs were in the kennels, the barking problem would still not be addressed.

Chairman Bond noted that there have been many complaints filed by the neighbors.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Mouliot "abstaining" Chairman Bond ordered that the kennel permit for Tom Hay to house 8 dogs at 9756 N. Virginia St., Reno, Nevada be denied.

98-1140 REVISED CLASSIFICATION TITLE - SOCIAL SERVICES

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the title change from Child Care Licensing Supervisor, Code 6136, Grade Y220, to Child Care Services Supervisor, Code 6136, Grade Y220 be approved.

98-1141 ABOLISH POSITION - HEALTH

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that position No. 217 entitled Advanced Practitioner of Nursing in the Health Department be abolished.

98-1142 RESIGNATION - APPOINTMENT - NORTH VALLEYS CITIZEN ADVISORY BOARD

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the resignation of Betty Thiessen as an at-large representative on the North Valleys Citizen Advisory Board be accepted; and that John Reilly be appointed to fill this vacancy with term to expire June 30, 2000.

98-1143 CONTINGENCY TRANSFER - PERSONNEL

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the transfer of funds from contingency to the Personnel Division in the amount of \$15,750 being the cost for the consultant, Personnel Concepts, Inc., to assist the Personnel Division in completing the reclassification of positions studies, be approved and the Comptroller be directed to make the following account transactions:

DECREASE

Account	Description	Amount
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001-1890-7328	Contingency	\$15,750.00
INCREASE		
Account	Description	Amount
001-1091-7105	Consulting Services	\$15,750.00

98-1144 ACCEPTANCE OF LETTER OF CREDIT - SPB UTILITY SERVICES, INC.

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the Pioneer Citizens Bank Irrevocable Standby Letter of Credit No. 9100000082 for SPB Utility Services, Inc., in the amount of \$120,000.00 be accepted.

It was noted that the Letter of Credit concerns the Agreement with SPB Utilities Services, Inc. for contract operations and maintenance service of Washoe County sewer facilities dated June 24, 1997.

98-1145 PROPOSED ORDER FOR DOMESTIC WELL CREDIT - WATER RESOURCES

Steve Walker, Water Management Planner, and Mike Buschelman, Regional Water Planning Commission, provided information regarding this item and responded to questions of the Board.

Following discussion, upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the Proposed Order for Domestic Well Credit in the Truckee Meadows with the changes approved by the Regional Water Planning Commission, as outlined in the agenda memorandum dated November 23, 1998, be approved, and the approval be forwarded to the State Engineer by January 4, 1999.

98-1146 AWARD OF BID - NORTHWEST RENO LIBRARY FURNISHINGS - BID NO. 2127-99 - LIBRARY

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on November 2, 1998, for the Northwest Reno Library furnishings. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Advanced Office Interiors, Inc.
- Brodart, Inc.
- Hasco, Inc.
- Hodkinson Associates, Inc.
- Hopley Company
- Machabee Office Environments

The Worden Company

Highsmith, Inc., and Tab Office Planning Group, Inc. submitted "No-Bid" responses. Corporate Express, Demco, Gaylord Brothers, Inc., Gressco, Ltd., Ken Burchill, Library Bureau, and Ross MacDonald Company failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Bid No. 2127-99 for the Northwest Reno Library Furnishings be awarded to the lowest responsive, responsible bidders, as follows:

Advanced Office Interiors, Inc.

Bid Items: T-9, T15, Group C, AVE-1, BK-1, BK-2, CU-1, LT-1, PA-1

Total: \$ 92,690.44

Brodart, Inc.

Bid Items: DBT-1, SH-19, BK4

Total: \$ 3,536.91

Hodkinson Associates, Inc.

Bid Items: C-4, AVE-2, C-1, C-5, T-14, BK-3

Total: \$ 2,857.09

Hopley Company

Bid Items: LO-1, SS-1, SS-2

Total: \$ 4,830.50

Machabee Office Environments

Bid Items: B-1, B-2, S-1, C-2, C-3, C-7, C-7A, C-8, EA-1, T/A, C-11, MD-1, PS-1, TC-1, T-2, T-12, T-13

Total: \$ 40,321.29

The Worden Company

Bid Items: Group B

Total: \$ 60,502.54

Total Bid Award: \$204,738.77

It was further ordered that bid items BS-1, BS-2, and C-12 be rejected as these items have been discontinued.

It was noted that the bid items listed above include: Benches, sofa, book trucks, easel, locker, metal shelving, library chairs, tables, atlas and dictionary stands, carrells, computer workstations, library book shelving (group C), video tables, book browsers, children's chairs and tables, lectern, media displayer, projection screen, and paperback and video displayers.

98-1147 ACCEPTANCE OF DONATION - 1995 FORD TAURUS, FOUR- DOOR SEDAN - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the donation of a 1995 Ford Taurus four-door sedan, VIN #1FALP52U5SG162289, which was purchased with inmate commissary funds and at no cost to the taxpayers for the amount of \$7,590.00 be accepted with gratitude.

98-1148 ACCEPTANCE OF CASH DONATIONS AND K-9 DOG AND K-9 HANDLER TRAINING - SHERIFF

Captain Barnes, Sheriff's Department, provided background information regarding the Sheriff's Office K-9 program.

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that cash donations in the amount of \$820.00 from private individuals and community organizations be accepted with gratitude. It was noted that these donations were made for the specific purpose of assisting with the funding of the Washoe County Sheriff's Office K-9 program.

It was further ordered that the donation from Senator Randolph Townsend of a law enforcement K-9 dog and associated training expenses be accepted with gratitude.

98-1149 BUDGET AMENDMENT - FY 1998/99 AIR QUALITY MANAGEMENT PROGRAM - DISTRICT HEALTH

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that amendments in the amount of \$409,564 in state funds for the Air Quality Management Program be approved and the following account transactions be authorized:

Account Number	Description	Amount of Increase (Decrease)
002-1700-1723G8-4302	State Contributions (BASE GRANT)	\$ 15,766.00+

-7001	Base Salaries		553.00
-7003	Overtime		1,941.00
-7004	Incentive		1,000.00
-7008	Holiday Work		250.00
-7017	Call Back		880.00
-7042	Group Insurance		2,502.00
-7043	Group Insurance - Dependents		2,936.00
-7048	Retirement		654.00
-7050	Medicare		815.00
-7140	Other Professional Services		3,650.00
-7620	Travel		1,250.00
	Total Expenditures		\$ 16,431.00
002-1700-1723G12-4302	State Contributions (SMOKING VEHICLE)	\$191,746.00	
-7002	Part Time/Temp		(7,666.00)
-70021	Pooled Positions		7,666.00
-7140	Professional Services		
	Outdoor Advertising		65,000.00
	Radio Advertising		126,746.00
	Total Expenditures		\$191,746.00

002-1700-1723G13-4302	State Contributions (MOBILE SOURCES)	\$201,387.00
-7140	Professional Services	
	Auto Technicians Training - TMCC	100,000.00
	Clean Cities Support - TMRPA	21,400.00
	Bicycle Improvements - RTC	30,000.00
	CO Study - DRI	49,987.00
	Total Expenditures	\$201,387.00
	Total Revenue	\$408,899.00+
	Total Expenditures	\$409,564.00

+Revenues do not equal expenditures since the revenues in the 1723G8 budget document exceeded expenditures by \$665.00; this amendment will bring both the grant and the budget into alignment.

98-1150 BUDGET AMENDMENT - FY 98/99 - WOMEN, INFANT AND CHILDREN (WIC) PROGRAM - DISTRICT HEALTH

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that an amendment in the amount of \$12,441 in federal funds for the Women, Infant and Children (WIC) Program be approved and the following account transactions be authorized:

Account Number	Description	Amount of Increase
002-1700-1746G1-4301	Federal Funds	\$12,441.00
-72051	Personal Computers	10,596.00
-7237	PC Software	1,845.00
	Total Expenditures	\$12,441.00

98-1151 CORRECTION OF CLERICAL ERROR - 1998/99 SECURED ROLL - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that Roll Change Request No. 161 for Washoe Medical Center, Parcel No. 012-150-17, correcting a clerical error on a tax bill already mailed, be approved for the reasons indicated thereon and mailed to the property owner, a copy of which is placed on file with the Clerk. It was further ordered that the Order directing the Treasurer to correct the error be approved and Chairman Bond be authorized to execute on behalf of the Commission.

98-1152 CORRECTION OF FACTUAL ERRORS - 1998/99 SECURED TAX ROLLS - ASSESSOR

Upon recommendation of Thomas Sokol, Assistant Chief Deputy Assessor, and Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Bond be authorized to execute on behalf of the Commission.

Floyd E. Saltern	APN 003-150-20	
HVR Manufacturing Company	APN 090-05-036	
Frank G. & Joanne M. Ferrari	APN 012-250-24	
Charles C. Meek Lumber Co. Carson City	APN 025-470-62	
California Liquid Gas Corporation	APN 082-290-54	
Lester R. & Nadine Gudgeon, Tr.	Parcel No. 005-300-16	RCR #160
DP Operating Partnership, LP	Parcel No. 012-401-25	RCR #162
Charles J. Ketcham, IX	Parcel No. 084-090-14	RCR #163
John C. Serpa	Parcel No. 218-171-01	RCR #164
John C. Serpa	Parcel No. 218-171-02	RCR #165
John C. Serpa	Parcel No. 218-171-03	RCR #166
John C. Serpa	Parcel No. 218-171-04	RCR #167
John C. Serpa	Parcel No. 218-171-05	RCR #168
John C. Serpa	Parcel No. 218-172-01	RCR #169
John C. Serpa	Parcel No. 218-172-02	RCR #170
John C. Serpa	Parcel No. 218-172-03	RCR #171
John C. Serpa	Parcel No. 218-172-04	RCR #172
John C. Serpa	Parcel No. 218-172-05	RCR #173
John C. Serpa	Parcel No. 218-172-06	RCR #174

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Parcel No. 218-173-01
Parcel No. 218-173-02
Parcel No. 218-173-03

RCR #175
RCR #176
RCR #177

98-1153 RESOLUTION AUTHORIZING GRANT OF MONEY - CONTRACT - CHILD ABUSE AND NEGLECT PREVENTION TASK FORCE - HUMAN SERVICE COORDINATOR

Upon recommendation of Michael McMahon, Human Service Coordinator, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute. It was further ordered that the contract with the Child Abuse and Neglect Prevention Task Force, Inc. concerning timeline and deliverables for community-based child abuse prevention efforts and which also ties reimbursements to deliverables be approved and Chairman Bond be authorized to execute.

RESOLUTION-Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 1998-1999 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private, nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Child Abuse and Neglect Prevention Task Force, Inc., a private, nonprofit organization, a grant for fiscal year 1998/1999 in the amount of \$50,000.
2. The purpose of the grant, the maximum amount to be expended from the grant, and the conditions and limitations upon the grant are as set forth in the Agreement, which is incorporated herein by reference.

98-1154 INDEPENDENT CONTRACT - HISPANIC INTERPRETER SERVICES - DISTRICT COURT

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the independent contract between the District Court and Rosalinda Castaneda for in-Court Hispanic Interpreter Services for the juvenile cases heard at Wittenberg Hall for the period November 9, 1998 through January 31, 1999 be approved and Chairman Bond be authorized to execute.

98-1155 INTERLOCAL CONTRACT - DISTRICT COURT - STATE OF NEVADA WELFARE DIVISION - CHILD SUPPORT AND VISITATION ISSUES GRANT

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the Interlocal Contract between the Family Division of District Court and the State of Nevada Department of Human Resources, Welfare Division, effective September 14, 1998 through August 31, 1999, for the Child Support and Visitation Issues grant be approved and Chairman Bond be authorized to execute.

It was noted that the Agreement is a continuation of the existing grant program in which the Family Division of the District Court has contracted for the provision of mediation services in child support cases.

98-1156 FRANCHISE AGREEMENT - CITIFARE BUS STOP IMPROVEMENTS - REGIONAL TRANSPORTATION COMMISSION

Sam Dehne, Reno resident, requested that the two bus stops in front of his condominium be removed due to excessive noise and screeching brakes, noting that no one is ever on those buses. Chairman Bond stated that this issue should be addressed with the Regional Transportation Commission.

Upon recommendation of Daniel Gallian, Senior Civil Engineer, Regional Transportation Commission, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the franchise agreement between Washoe County and the Regional Transportation Commission concerning Citifare bus stop improvements be approved and Chairman Bond be authorized to execute.

98-1157 PURCHASE OF REPLACEMENT PISTOL - DEPUTY RUVALCABA - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the provision of \$700 to Deputy Ruvalcaba to replace the automatic pistol which will be held as evidence, be authorized.

98-1158 RESIGNATION OF REGISTRAR OF VOTERS - APPOINTMENT OF INTERIM REGISTRAR OF VOTERS AND SETTING SALARY

Katy Simon, County Manager, commended Laura Dancer's efforts and commitment as Registrar of Voters and advised that she has committed to work through the entire vote recount process.

Upon recommendation of Katy Simon, County Manager, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the resignation of Laura Dancer, Registrar of Voters, effective at 5:00 p.m. on December 11, 1998 be accepted. It was further ordered that Dan Burk, Administrative Assistant, be appointed as the Interim Registrar of Voters, effective immediately thereafter, at a salary of \$54,662.40.

98-1159 BILL NO. 1224 - AMENDING WCC CHAPTER 65 - RISK MANAGEMENT AND COUNTY SAFETY COMMITTEE

Ray Sibley, Risk Manager, responded to questions of the Board regarding this item.

Bill No. 1224 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF CHAPTER 65 RELATING TO RISK MANAGEMENT, THE COUNTY SAFETY COMMITTEE, AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner

Galloway, the title read to the Board, and legal notice for final action of adoption directed.

98-1160 COUNTY MANAGER'S APPOINTING AUTHORITY

Robert Bricca, Chair of the Organizational Effectiveness Committee and member of the Washoe County Reorganization Task Force, advised that his statement represents the unanimous opinion of the business leader members of the Organizational Effectiveness Committee and does not represent the opinion of the County Manager or other County employees. He referred to the County's organization chart and urged the Board to reconsider the way in which the County's management team is organized, stating that under the present organization structure there are 20 department heads under the direct control of the Board and/or the County Manager; that 15, or 75%, of these positions are appointed by the Board and only 5 are appointed by the County Manager; and that the County Manager is charged with the responsibility for the day-to-day operations of all those departments but does not have any authority over those positions.

He further stated that authority and responsibility belong together for effective operations and changing the organizational structure to grant the County Manager direct hiring authority for all 20 department heads for which she is responsible would result in improved motivation, accountability, and efficiency, and would mirror what university business schools currently teach and what successful enterprises around the world practice; that managers should not be held accountable if they are not free to build their own team; and that there is a higher risk of losing high-achieving managers in an environment where their operating authority is limited. He noted that the Board has not lost control because it would retain the authority to hire or fire the County Manager Commissioner Galloway stated that he does not believe Mr. Bricca's comments are appropriate for this agenda item as it relates to non-statutory appointments only; and that two new Board members come on next month and he would like to hear from those people regarding this issue.

Commissioner Mouliot stated that he has been working on the reorganization for the last four years and believes if the Board does not give authority to the County Manager, it interferes with the chain of command; that the County Manager is directly responsible to this Board; and that if this issue is not clarified at this time, there will be trouble down the road.

Mr. Bricca stated that he may have gone beyond the scope of the agenda material, but believes the Board should at least take action with regard to the 8 positions that are appointed by the Board that are not mandated by the State and grant appointing authority to the County Manager. He responded to questions of the Board and stated that a Board or Commission or General Manager, etc., cannot be effective if authority is spread away from responsibility.

Commissioner Galloway stated that Mr. Bricca's statements represent theory only and not reality with regard to the issue that the Board would have the same amount of control by having hiring and firing authority just over the County Manager; that granting such authority would remove the opportunity for any input below that level during times where there is disagreement, etc.; that the issue is with regard to how much hands on the Board wants in these situations; and that he is not ready to make this change.

Legal Counsel Shipman stated that any of these positions could be appointed and terminated by County management without any interference of statutes; and that the Board is able to delegate direct supervisory authority, except for the actual action of appointing or terminating.

Commissioner Camp stated that she supports granting full authority to the County Manager. Commissioner Shaw stated that he has a lot of

confidence in the ability of Katy Simon to run the County program.

On motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried with Commissioner Galloway voting "no," Chairman Bond ordered that the County Manager be given full authority to hire and appoint both statutory and non-statutory management-level employees; and that staff be directed to present the appropriate code changes.

Commissioner Mouliot noted that he believes that the Board's action provides flexibility in both directions and it will work effectively.

98-1161 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-NV-1 - LEMMON VALLEY LAND COMPANY - COVENANT - COMMUNITY DEVELOPMENT

This item was continued from the November 24, 1998 meeting, at which time the public hearing portion was closed, to consider an appeal of the Washoe County Planning Commission's denial of a request to amend the North Valleys Area Plan, being part of the Washoe County Comprehensive Plan, by re-designating Assessor's Parcel Numbers (APNs) 80-191-02 and 80-191-03 from Medium Density Suburban (MDS: max 3 dwellings per acre) to High Density Suburban (HDS: max 7 dwelling per acre); APN 80-191-112 from General Rural (GR: max 1 dwelling per 40 acres) to HDS; APN 80-281-01 from General Rural and Low Density Suburban (LDS: max 1 dwelling per acre) to LDS and MDS; APN 80-461-27 from GR to Parks and Recreation (PR: max 0 dwelling per acre); APN 80-461-30 from GR, MDS and Public and Semi-Public (PSP: max 0 dwelling per acre) to PR and HDS; APNs 80-635-01, 80-542-26 & 80-635-02 from MDS to Low Density Rural (LDR: max 1 dwelling per 10 acres); APNs 80-671-08, 55 through 57, and 80-722-03 from GR to Open Space (OS: max 0 dwelling per acre); APNs 80-721-02, 03, 05, 80-730-11 & 12 from GR to LDS and MDS; APNs 80-721-06 thru 08, 80-730-14, 16, 17, 89-030-01 thru 09 from GR to MDS; APNs 80-723-01 & 80-721-04 from MDS to LDS and MDS; APN 89-020-01, 89-020-02 & 89-020-10 from GR to LDS; 80-723-02 from GR and MDS to MDS; APN 80-730-21 from GR and MDS to GR and MDS; APN 80-730-13 from GR to GR, LDS and MDS; APN 80-730-15 from GR to GR and MDS; APNs 552-221-006, 007, 008 & 009 from GR and MDS to GR; APN 80-723-03 from MDS to GR. Assessor's Parcel Numbers 80-191-16, 80-191-20, 80-542-26, 80-730-20, 80-730-22, 80-730-27, 80-730-28, 80-730-33, 552-210-10 & 552-210-13 are included in the application, but are not being requested for any change in their current land use designations.

In addition, the applicant is appealing the Planning Commission's denial of a text change to the North Valleys Area Plan to permit dedication of required water rights for the area encompassed by the Lemmon Valley Visioning Study at the time of building permit, instead of at the time of application for a Comprehensive Plan Amendment and re-adoption of text and graphics reflecting changes to the North Valleys Plan land uses, streets and highways and text. The parcels are located on each side of Lemmon Valley Drive north of the intersection with Military Road in the Lemmon Valley portion of the Lemmon Valley Hydrographic Basin, wholly in or in portions of Sections 11, 14, 22, 23, 26, 27, 28, 34 & 35, T21N, R19E, and within a portion of Section 3, T20N, R19E, MDM. The parcels are designated as "Rural" and "Rural Reserve" on the Truckee Meadows Regional Plan land use diagram, therefore a Regional Plan Amendment will be required.

Commissioner Camp disclosed that her company does business with CFA Engineering but has nothing to do with this particular item.

Commissioner Galloway disclosed that because of issues raised during the last meeting and the responses by the applicant that they were volunteering some changes, he met with the applicant to review how they were going to address the open space issues. Chairman Bond disclosed that she also had conversation with the applicant. Commissioner Mouliot disclosed that he met with applicants to review their maps and changes.

Mike Harper, Special Projects Manager, reviewed issues relative to this matter and utilized the document camera to review a map exhibit of

the subject area. He advised that Development Area No. 5 has been eliminated, which will result in 7 planning areas and will reduce the number of units from 2,147 to 2,112; that the issue of development within floodplains has been addressed by removing those from the map, unless the map that actually identifies the floodplains has been changed by FEMA, etc.; that there have been some commitments made by the applicants for land for open space and buffering opportunities; and that the revised Covenant presented to the Board members at yesterday's caucus meeting reflects these changes. He noted that removal of the Covenant would only be made at the direction of the County Commission and modification of the Development Standards Handbook would have to include a public hearing and noticing process. Mr. Harper then responded to questions of the Board relative to the Visioning Study, water rights dedication, Lemmon Valley Road extension and expansion, etc.

Discussion then commenced relative to the Development Standards Handbook and the Declaration of Covenants and Conditions. Commissioner Galloway noted that it appears language relative to open space has been inadvertently omitted in some instances. Mr. Harper advised that staff will go through the documents and make sure that all appropriate language is contained therein based on reviews as of this date.

George Peek, President, Lemmon Valley Land Company, demonstrated on a display map the proposed locations of roads on the project.

Melissa Lindell, CFA Engineering, reviewed a display map with overlay showing the conceptual depiction of the greenbelt areas and advised that the intent is that there would be an additional 100 acres of open space with a total of 135 acres of open space on the east side.

Chairman Bond stated that she has anguished over this issue long and hard and understands how the people in the community feel; that she is concerned that if the project were to go back to one house per acre there would be more septic tanks which the valley cannot take; that growth is inevitable and she believes that with the controls that have been placed on this project, and the maps that have been presented, there is a commitment to minimize the impacts to the extent possible, noting that there will be a 20-year build-out that would be very carefully monitored; and that she will support the Visioning Study, although she understands that it is not embraced by everyone.

Commissioner Galloway stated that there were some flaws in this process but a lot of things have been done to mitigate some of the problems; that there has been extensive discussion and the amount of open space has been able to be pinned down; and that despite the flaws the Board has looked at what would be the best development arrangement that could be realistically expected for this area, noting that this project contains many good features.

Commissioner Shaw thanked the applicants for their concessions and the concerns they have shown for the citizens, but stated that he is still not satisfied and does not support the project, as it is his belief that the Master Plan is set in place and should not be changed.

Commissioner Mouliot stated that he could support the modified project with the condition that the green belt areas be placed on the map, noting that the way those areas are portrayed provides access to BLM land and he wants to assure that this remains the case. Commissioner Galloway stated that since those areas are only conceptual, he would be concerned that at some later time someone may interpret that as a development map and he would prefer to give the applicant some flexibility. He asked if Commissioner Mouliot would agree that this is something that is conceptual and in some manner can be moved as long as the general pattern shown is preserved.

Commissioner Mouliot stated that he agrees that those areas are conceptual but emphasized that he wants the access to the BLM land to remain.

The following findings were made:

1. That the proposed amendments with the staff's modified text proposal to the North Valleys Area Plan (NV AP) are in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. That the proposed amendments with the staff's modified text proposal to the NV AP will provide for land uses compatible with existing and planned land uses and will not adversely impact the public health, safety or welfare.
3. That the proposed amendments with the modified text proposal to the NV AP will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
4. That the proposed amendments with the modified text proposals to the NV AP are consistent with the Visioning Study and development standards handbook that preceded the comprehensive planning process.
5. That the Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the North Valleys Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
6. That the Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
7. That the Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

Based on the above findings:

on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, with Commissioner Shaw voting "no," Chairman Bond ordered that the denial of the Washoe County Planning Commission be overturned and Comprehensive Plan Amendment Case No. CPA98-NV-1 to amend the North Valleys Area Plan, as modified to

- (1) eliminate Area 5 for development potential,
- (2) change the Streets and Highways master plan to expand Lemmon Valley Drive from 4 lanes to 6 lanes at its northern end and from 6 lanes to 8 lanes between Bucks Drive and US 395 north,
- (3) change the water rights dedication policy that now requires water rights to be offered at the first development application and permit dedication of water rights at the time of final map recordation, special use permit, or building permit, whichever occurs first, and
- (4) depict the conceptual greenbelt area on the map to assure access to BLM land, be approved.

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, with Commissioner Shaw voting "no," Chairman Bond ordered that the Declaration of Covenants and Conditions with reference to the Development Standards Handbook to include reviews as of this date, and which notes that the property referred to in Section 4 of the Covenant is open space property that does not include roads and trails, be approved.

Legal Counsel Shipman noted that language relative to protecting access should also be reflected in writing in the Development Standards Handbook.

98-1162 TENTATIVE SUBDIVISION MAP CASE NO. TM9-6-98 - RAVAZZA RANCH ESTATES (APN: 17-410-14) - APPEAL

5:00 p.m. This was the time set to consider the appeal of Alvin K. Feleciano of the Washoe County Planning Commission's conditional approval of Tentative Subdivision Map Case No. TM9-6-98 for Ravazza Ranch Estates Subdivision, a request by Cam Solari to develop a 59-lot common open space subdivision on a 78.74 acre site, with lots ranging in size from 0.5 acres to 1.80 acres and incorporating approximately 19.14 acres of common area on the west and central portions of the site. The property is located in the Steamboat Valley, immediately west and southwest of the intersection of Ravazza Road and Ramona Road, designated Low Density Suburban (LDS) and General Rural (GR) in the South Valleys Area Plan, and is situated in a portion of Section 3, T17N, R20E, MDM, Washoe County, Nevada.

Katy Simon, County Manager, advised that Mr. Feleciano has withdrawn his appeal.

Chairman Bond opened the public hearing by asking if there was anyone present who wished to speak concerning this matter. There being no response, the public hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the recommendation of the Washoe County Planning Commission be upheld and Tentative Subdivision Map Case No. TM9-6-98, Ravazza Ranch Estates Subdivision, be approved subject to the following conditions:

CONDITIONS FOR TENTATIVE SUBDIVISION MAP CASE NO. TM9-6-98 RAVAZZA RANCH

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN ONE (1) YEAR AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF APPROVAL BY THE PLANNING COMMISSION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES. NO FINAL MAP WILL BE SCHEDULED FOR A PLANNING COMMISSION MEETING DATE THAT IS LESS THAN SIXTY (60) DAYS FROM THE DATE OF THIS MANDATORY MEETING.

A REQUEST FOR AN EXTENSION OF TIME FOR THE RECORDING OF A FINAL MAP MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS ONE (1) YEAR FROM THE DATE OF APPROVAL OF THE TENTATIVE MAP OR A SUBSEQUENT FINAL MAP BY THE BOARD OF COUNTY COMMISSIONERS OR, WHEN APPLICABLE, BY THE PLANNING COMMISSION.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

GENERAL CONDITIONS

1. The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code Article 608 - Design Requirements. An advisory note shall be included on all final maps recorded for this subdivision that states the following information:

Regulatory Zones for Review Purposes

Common Open Space Development

Low Density Suburban	(Max. 1 unit/acre)
General Rural	(Max. 1 unit/40 acres)
Minimum Lot Area	0.5 Acre
Minimum Lot Width	120 Feet
Minimum Front Yard	20-30 Feet
Minimum Side Yard	12 Feet
Minimum Rear Yard	30 Feet
Maximum Building Height	35 feet/ 2 story maximum

Variances to these standards may be processed per Washoe County Code

Note: Lots with building envelopes will meet individual requirements.

The Department of Community Development shall be responsible for determining compliance with this condition.

2. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.

3. Final maps shall be in substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority. Substantial compliance shall be determined by the applicable agency and the Department of Community Development.

4 Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Services Division and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.

5. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable division of the Department of Public Works shall be responsible for determining compliance with this condition.

6. The final map shall designate faults that have been active during the Holocene epoch of geological time and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time. The Department of Community Development shall be responsible for determining compliance with this condition.

7. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the on-site improvements. The County Engineer shall be responsible for determining compliance with this condition.

8. The developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.

DRAINAGE AND GRADING

9. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for

approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices and shall include detailed plans for grading and drainage on each lot, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

10. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.

11. Prior to approval of the first final map, a final detailed master hydrology study shall be prepared and submitted to the County for review. This report shall address, among other things, the offsite drainage crossing under Ramona Road that discharges into an existing drainage ditch and traverses tentative map lots 4 and 5. This offsite drainage shall be collected in a storm drainage system or open drainage system provided that a homeowners association is formed to maintain the open drainage system.

12. Prior to the finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

13. A detailed HEC-2 or HEC-RAS analysis shall be performed to establish 100-year flood plain and elevations within the boundaries of the subdivision for the southerly drainage.

14. Roadway embankment adjacent to the natural drainage shall be mechanically stabilized to preclude erosion from peak flows occurring up to and including the 100-year storm event.

15. Storm drainage and storm drain easements outside the dedicated street right-of-way shall be identified on the final map. Any open drainage systems shall be maintained by a Homeowners Association.

16. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the Engineering Division.

17. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

18. The 100-year floodplain boundaries and flood elevations shall appear on each final map. If the floodplain boundary has been changed by the Federal Emergency Management Agency (FEMA) Conditional Letter of Map Amendment or Conditional Letter of Map Revision, the date of that letter and a note to that effect shall appear on the final map. The County Engineer shall be responsible for determining compliance with this condition. Grading or building permits shall not be issued for areas currently shown as "A" zones on the FEMA floodplain maps until a Letter of Map Amendment or Letter of Map Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer.

19. For all subdivisions larger than five acres, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection (NDEP), and a copy of said permit shall be submitted to the County Engineer prior to construction. The Stormwater Pollution Prevention Plan, as approved by the NDEP, shall be included with the construction improvement drawings.

20. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall be responsible for determining compliance with this condition.

21. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowner's association. As an alternative to a homeowner's association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that is normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb & gutter, drop inlets and piping). The County Engineer shall be responsible for determining compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&R's to the satisfaction of the District Attorney's Office.

22. The maximum permissible flow velocities (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall be responsible for determining compliance with this condition.

TRAFFIC & ROADWAY

23. Final street names shall be reviewed and approved by the Regional Street Naming Coordinator to the satisfaction of the Department of Community Development.

24. All roadway improvements necessary (including, but not limited to, curb, gutter, sidewalk, signing and striping, driveway access and street lighting) to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

25. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet AASHTO site distances and safety guidelines. The County Engineer shall be responsible for determining compliance with this condition.

26. With the approval of the affected final map(s), existing access to adjoining parcels shall be verified and documentation shall be provided to the County and shall demonstrate that legal, or only useable access is not being eliminated. Should existing access be through this project, appropriate access easements shall be provided and driveway improvements shall be constructed, aligned with the existing driveways or relocated as approved by the affected homeowner and the County Engineer.

27. To facilitate the through traffic to the Fry parcel and safe turning movements, an offset Cul-de-sac (or other acceptable alternative) shall be constructed at the end of the County maintained portion of Ravazza Road.

28. Prior to the approval of the affected final map, it shall be demonstrated that existing off-site roadways proposed to be used for emergency access have appropriate easements allowing public access, else emergency access easements shall be acquired and granted to the County or an alternative emergency access alignment shall be provided. Any on-site permanent emergency access road improvements shall be paved and an emergency access control gate shall be installed as required in County Code.

HEALTH, WATER AND SEWER

29. Prior to the recordation of the first final map, a special use permit shall be submitted and approved for the operation of all sanitary sewer lift stations proposed to serve the site.

30. The applicant shall deposit with the Utility Services Division the sum of \$50.00 per lot prior to recordation of a final map. This fee shall represent the development's prorated share of the completed water and wastewater facilities plan for the South Truckee Meadows.

31. Fees for improvement plan checking and construction inspection shall be in accordance with Washoe County ordinance and paid prior to approval of a final map.

32. Improvement drawings shall be in compliance with Washoe County Design Standards. The developer shall submit plans and specifications for the sewage collection system within the boundaries of the final map to the Utility Services Division for review and approval prior to the final map submittal.

33. The developer shall construct and/or provide the financial assurance for the construction of the on-site and off-site sanitary sewer facilities prior to approval of a final map. The financial assurance must be in a form and amount accepted by the Utility Services Division.

34. Utility Services Division approved improvement plans shall be used for the construction of sanitary sewer facilities and must be inspected by the Utility Services Division.

35. The sanitary sewer collection system and necessary easements must be offered for dedication to Washoe County along with the recordation of a final map.

36. Lift stations along with property must be offered for dedication to Washoe County prior to final map approval.

37. If infrastructure such as any pump stations and interceptors, treatment and disposal facilities are necessary to supply sewer service to the project, the developer will be responsible to fund the design and construction. However, actual design will be the responsibility of the Utility Services Division. Prior to initiation of design the developer shall pay the estimated design costs to Washoe County. The Utility Services Division may either provide such design in-house or select an outside consultant. When an outside consultant is the selected, the Utility Services Division and the developer shall jointly select that consultant. Funding of oversizing the design and infrastructure to accommodate future development as determined by accepted engineering calculations, shall be the responsibility of Washoe County. Washoe County shall either

participate monetarily at the time of design and/or shall credit an appropriate number of service hook-ups to the developer at the time of recordation of the final map.

38. A sanitary sewer report shall be prepared by the applicant's registered engineer, which addresses.

- a. The estimated sewage flows generated by this project.
- b. Projected sewage flows from potential or existing development within tributary areas.
- c. The impact on capacity of existing infrastructure.
- d. Proposed collection line sizes, alignment, and maximum velocities.
- e. A comparison of sewer designs justifying why it is necessary to construct between lots for the entire project. This must be approved by the Utility Services Division prior to approval of a final map.

39. Sewer service connections fees, in accordance with Washoe County Ordinance, fee schedule, shall be paid for each service within the boundaries of the final map prior to Utility Services Division approval.

40. No certificate of occupancy will be issued until all on-site and off-site sanitary sewer facilities necessary to serve this project have been completed and accepted for operation and maintenance by the Utility Services Division.

41. A copy of the water "will-serve" letter issued to the State Engineer's office which indicates a commitment of water rights from the original block of water rights belonging to Steamboat Water, shall be submitted to the Utility Services Division prior to approval of final map.

42. Prior to final map approval, the developer shall provide to the Nevada Division of Water Resources written notification from the water purveyor indicating that it has both sufficient uncommitted water rights and developed water source capacity to serve the proposed subdivision.

43. The construction plans for the development must be submitted to the District Health Department for approval. The plans must conform to NAC 278.290 and 278.490.

44. Prior to approval of each final map, the applicant shall submit a final map review fee to the District Board of Health.

45. A completed dust control plan must be submitted to the District Health Department for review and approval prior to the issuance of a building permit. This plan must be in conformance with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030.

46. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill, etc., must be done with effective dust control measures consistent with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030. Disturbance greater than 1 acre in size must obtain an approved dust control plan prior to beginning work.

47. Any storm drainage from this site must have pretreatment for petrochemicals and silts.

48. A recent sanitary survey of the Steamboat Springs Waterworks indicated that the system is at capacity. Within sixty (60) days from the date of the District Health letter (October 12, 1998) and prior to any final map approvals, the water purveyor must submit calculations and network hydraulic analysis demonstrating compliance with NAC 278.400 and 278.410 of the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments and Sections 445A.6666 and 445A.66725 of the State of Nevada Public Water System Regulations. If water system improvements are required, then the construction schedule and construction plans must be submitted to and approved by the District Health Department prior to final map approval.

49. Before final approval, a letter must be submitted by the Washoe-Storey Conservation District approving the proposed method of erosion control and soil stabilization.

50. Before final map approval will be considered, a letter from the water purveyor committing adequate water service to this proposal must be submitted to the Washoe County District Health Department.

51. A letter of approval must be submitted to the District Health Department from the Division of Water Resources for this proposal.

52. Prior to approval of a final map for the referenced proposal, the design engineer shall submit to the satisfaction of the District Health Department a plan for periodic inspection of the construction of the systems for water supply and community sewerage. The design engineer shall, pursuant to the approved inspection plan, periodically certify in writing to the District Health Department that the improvements are being installed in accordance with the approved plans and recognized practices of the trade.

53. A letter from Washoe County committing sewer service to this proposal must be submitted. This letter shall indicate that the treatment facility will not be brought beyond its permitted capacity by this service.

54. The Nevada Division of Environmental Protection must submit a letter to the District Health Department certifying their approval of the final map.

PLANNING CONDITIONS

55. For the purpose of future structure location determinations (e.g. fences), the final map shall indicate front, side and rear yards for the following lots: 4, 6, 12, 13, 18, 23, 35, & 40.

56. Lot 15 shall be accessed from Noonan Court only. A deed restriction shall be placed on the lot prohibiting all other access.

57. The applicant shall provide a recordable document authorizing Washoe County to amend the South Valleys Area Plan to accurately show the final boundaries between Low Density Suburban, General Rural, Common Open Space and Parks & Recreation designated parcels.

58. The applicant shall work with the State Historic Preservation Office (SHPO) and the Washoe County Parks and Recreation Department to ensure adequate protection of the historically sensitive sites on the property. A letter from the SHPO indicating acceptance of the proposals for these sites shall be submitted to the Department of Community Development. These agencies and the Department of Community Development shall determine compliance with this condition.

59. Prior to the recordation of the first final map, an entity or agency acceptable to Washoe County shall be designated to maintain all common areas within the project site. Compliance with this condition shall be determined by the Department of Community Development and the Engineering Division.

60. No structures, other than permitted fences, shall be built outside any building envelope shown on the final map.

61. Construction noise and ongoing operational noise associated with the project shall meet all noise standards of the Development Code. Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be obliged to compensate the county for all costs incurred to complete two 24-hour monitoring of the operation to assure compliance with noise standards. Failure to compensate the county within 30 days of presentation of the contract fee shall result in a temporary "stop work" order until compensation is received.

Should the noise monitoring report substantiate non-compliance with noise standards, within one week the applicant shall secure the services of a qualified noise consultant to prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately implemented and continuing monitoring shall be established and all costs incurred shall be funded by the applicant to ensure compliance with noise standards.

FIRE SAFETY

62. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Truckee Meadows Fire Protection District's letter dated October 15, 1998. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys. Access and fire flows concerns shall be addressed prior to the introduction of any combustible materials to the site. The Truckee Meadows Fire Protection District shall be responsible for determining compliance with this condition.

WASHOE-STOREY CONSERVATION DISTRICT CONDITIONS

63. A review letter from the Washoe-Storey Conservation District (WSCD) shall be submitted to the County Engineer prior to the "red line" meeting. The WSCD recommendations shall be implemented with the appropriate design/specifications included in the construction drawings to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.

COMMON OPEN SPACE

64. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's Association. The County Engineer shall be responsible for determining compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&R's to the satisfaction of the District Attorney's Office.

AVIGATION EASEMENT

65. The property owner(s) shall grant an avigation easement to, and acceptable to, the Airport Authority of Washoe County over the entire property. The property owner(s) shall provide the Building Department with appropriate documentation indicating the Avigation Easement has been granted and accepted by the Airport Authority of Washoe County, prior to the issuance of a building permit.

98-1163 RESOLUTION - SETTING FORTH THE INTENTION TO MAKE AVAILABLE COUNTY-OWNED PROPERTIES FOR PROJECTS FINANCED BY THE 1/4 CENT SALES TAX

On motion by Commissioner Galloway, who noted that his support of this resolution does not mean that he supports the sales tax increase, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and executed:

RESOLUTION A Resolution Providing Assurances that Certain Easements Over Lands Owned by the County of Washoe Will Be Provided At No Cost for the Truckee River Flood Control Project Being Constructed With the 1/4 Cent Sales Tax.

WHEREAS, on November 17, 1998, the Board of County Commissioners of Washoe County introduced an ordinance imposing a 1/4 cent sales tax for the financing of infrastructure projects, including but not limited to a railroad grade separation project, a flood control project, and emergency dispatch and training facility project; and

WHEREAS, at the November 17, 1998 public hearings on the imposition of the 1/4 cent sales tax there was a concern raised regarding the intention of the cities and County to make properties owned by them available for the various projects, and specifically the flood control project, proposed to be financed by the 1/4 cent sales tax; and

WHEREAS, it is the intention of the County to provide the necessary easements over real property owned by it for the flood control projects; however, it is also understood that the County retains the right to be reimbursed for the replacement or relocation of any public facilities on these lands, if any; and

WHEREAS, as the U.S. Army Corps of Engineers' design effort is still in a preliminary phase and no specific property needs are known at this time, there is no way to specifically identify the real property that may be owned by the County and necessary to the Truckee River Flood Control Project; and

WHEREAS, it is appropriate to memorialize through action of the undersigned Commissioners the County's intention to make property owned by it available to the Truckee River Flood Control Project as follows:

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners for the County of Washoe hereby provides assurances, in conjunction with the anticipated adoption of an ordinance imposing the 1/4 cent sales tax, that to the extent easements over real property owned by it, not otherwise dedicated or restricted to other uses, necessary to the construction of the Truckee River Flood Control Project being financed by the 1/4 cent sales tax, shall be made available at no cost to the project.

BE IT FURTHER RESOLVED, that a copy of this Resolution be provided to the City Councils of the City of Reno and City of Sparks.

ADOPTED this 8th day of December, 1998.

98-1164 ORDINANCE NO. 1047, BILL NO. 1223 - AMENDING WCC CHAPTER 20 - IMPOSING .25 (1/4 CENT) INFRASTRUCTURE SALES TAX FOR RAILROAD, FLOOD CONTROL AND PUBLIC SAFETY PROJECTS

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on November 24 and December 1, 1998, to consider second reading and adoption of Bill No. 1223. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. At the request of Madelyn Shipman, Assistant District Attorney, Chairman Bond directed that the Clerk incorporate into the record of this meeting the record and testimony of the November 17, 1998 public hearing concerning imposition of the 1/4 cent sales tax. Said record is so incorporated herein by reference.

Clarence Donald Keith, 4692 East Leonesio, Sun Valley, spoke in opposition to increasing the sales tax without a vote of the people and to the railroad grade separation project.

Robert Larkin, 1277 Flora Glen Drive, Sparks, stated that while he is not questioning the worthiness of the proposed projects, he believes that there should have been a public advisory vote on the sales tax increase.

Sam Dehne, Reno citizen, stated that if the County Commission is not going to let the citizens of Washoe County vote on this tax, they should at least wait until the new Commissioners take office in January, as this should not be decided when two Board members are not returning.

John Van Wermeskerken, Reno citizen, stated that he believes this whole thing is a farce and this tax should be stopped.

Richard Harris, 44250 Long Knife Road, Reno, identified himself as a resource and environmental attorney and stated that his background is in geological engineering and that he has a degree in environmental science. He stated that his concern with the railroad grade separation project is that, according to the Memorandum of Understanding (MOU) between the City of Reno and Union Pacific Railroad, the City will be liable for the environmental cleanup and remediation of any hazardous substances found in the rail corridor property; that he believes significant environmental conditions will be encountered when excavation begins; and that, if it is anything like the Sparks tank farm cleanup, which he has been involved with, the costs associated with such a cleanup are very significant. Mr. Harris then responded to questions of Commissioner Galloway.

Barlane "Ike" Eichbaum, Washoe County resident, also expressed concerns regarding the types of contamination that might be encountered in the rail corridor and the cost of these kinds of environmental cleanup projects and stated that an environmental impact study should be done before anything else.

Commissioner Galloway stated that he would like to ask Mr. Harris another question; and that is whether the railroad is better off as far as liability for cleanup under the MOU between it and Reno. Mr. Harris stated that the MOU does shift responsibility for environmental cleanup from the Union Pacific Railroad to the City of Reno once construction begins within the railway corridor. Commissioner Mouliot asked Mr. Harris if

materials such as PCE, petroleum, etc., are in the ground now. Mr. Harris responded that 130 years of drips and drizzles from the trains would certainly produce substantial amounts of petroleum and decayed petroleum products along the rail bed. Commissioner Mouliot stated that this is something that needs to be cleaned up anyway.

Jackie Decker, Washoe County resident, voiced her objection to the increase in sales taxes not being put to a vote of the people and stated that she is very offended at the arrogance of a government that thinks the public is too stupid and needs to be educated before they can vote.

Commissioner-elect Ted Short stated that he is not necessarily against the railroad project but it is his hope that the Board really does have the answers to all their questions, especially the ones related to costs, before they make their decision.

Commissioner-elect Pete Sferrazza stated that he is against increasing the sales tax without a vote of the people. He further stated that he has studied the statute which authorizes the Board to do so, and is very concerned that the action taken by the Board tonight will bind future Boards; and requested that, if the ordinance is passed, certain conditions be attached to it. Mr. Sferrazza explained that one of those conditions has to do with the value of the air rights the railroad is giving to the City of Reno and ensuring that those rights really are worth the value the City is granting to the railroad. He further stated that the other condition concerns the possibility that the federal loan for the railroad project may be converted to a federal grant and what should be done if that does occur. Mr. Sferrazza requested that two additional potential projects be added to the list before it is finalized, i.e., Wittenberg Hall improvements and the jail expansion. He stated that the last condition he would request is that there be some provision that the environmental cleanup costs be borne by someone other than the taxpayers of Washoe County.

Glade Hall, local attorney, stated that the cost of the railroad project is not known; that the law requires the Commission be assured that one-half of the cost is being provided by committed sources of funding by the City of Reno; and that a situation exists where determination of one-half of the cost cannot be made since the whole cost is really not known. He then discussed the questionable valuations on the air rights and stated that he is also opposed to a lame duck Commission enacting a tax that the voters do not want. In response to Commissioner Galloway, Mr. Hall stated that he does not believe that the City has met the statutory requirements necessary for the Commission to enact the tax. In response to Commissioner Shaw, Mr. Hall stated that he did not attend any of the other public meetings held on this issue and that the first time he expressed these concerns was at a press conference yesterday.

Mark Sullivan, Washoe County Planning Commissioner, voiced his support for the projects stating that it is important to look into the future of Washoe County and the quality of life indicators.

John Frankovich, attorney representing the El Dorado and Silver Legacy casinos, stated that these proposed projects are essential to the future of this community and the Board should not let this opportunity pass. He rebutted previous speakers' comments stating that the costs are known in that the Board has the best estimates available; that during the El Dorado remodel/expansion project on property acquired from the railroad right-of-way, they did not find any unusual or unexpected environmental conditions; and that they dug down 26 feet in excavating for the new addition. He acknowledged that this does not prove there won't be any environmental problems in the 2-mile corridor, but stated that he believes the City has budgeted sufficiently for any event.

Bill Osgood, President of the Downtown Improvement Association, stated that since the very beginning of the railroad merger and the specter of increased rail traffic, the biggest and most damaging impact on downtown Reno has been uncertainty; and that not knowing the physical and

economic impacts of increased train traffic, possible mitigation measures, what type of construction is going to occur, as well as when and where, has brought a curtain down on investment and interest in downtown Reno. He urged the Board to take action to end the uncertainty.

Richard Vitali, attorney representing Harrah's Casino, disputed Mr. Sferrazza's comments concerning the value of the air rights, stating that his property pays a significant amount of taxes for its skybridges; and that the decisions by the Boards of Equalization was not that the air rights had no value, but that the value was included in the value of the structure itself and they did not need to be parceled separately. Mr. Vitali stated that the one reality is that the merger is not going to stop, and the consequences of the merger will occur whether the Board acts or not.

Mark Demuth, Principal Environmental Consultant for MADCON Consultation Services, stated that he is employed by the City of Reno for the railroad grade separation project; that there are specific line item costs, plus contingencies, for the cleanup of anticipated contaminants in the railroad right-of-way; that it should be understood that if the ground is not disturbed, those contaminants will stay there and not be cleaned up; that the cleanup will only be required if there is a project; and that it has always been understood that the cleanup will be the City's responsibility because this would be a City project, not a railroad project. He further explained that everyone knows what that right-of-way has been used for for the last 120+ years; that they do not anticipate running into underground storage tanks beneath the tracks; that the tracks have been in the same place since 1862; and that the description of 120 years of drips and drops is appropriate to describe the contamination they expect to find. Mr. Demuth stated that the Alameda corridor is very similar to Reno and when they did that project, they found heavy contamination in the first 12 inches of soils; and that he feels very comfortable that they have adequately budgeted for the cleanup.

Commissioner Camp asked if in the event the federal loan is converted to a federal grant, would that expedite the payoff. Stuart Schillinger, Budget Manager, City of Reno, responded that it would.

Commissioner Galloway asked Mr. Harris how he feels about Mr. Demuth's level of confidence concerning cleanup costs. Mr. Harris stated that he is glad to hear that there have been studies and that there are contingencies on top of contingencies. He further indicated that they were surprised by the magnitude of the cleanup at the tank farm and that the \$20-million figure he discussed was for the extraordinary superfund cleanup of chlorinated solvents and petroleum products at the tank farm.

Commissioner Galloway then asked Mr. Demuth why the studies and the environmental impact statement are not done first to really determine the true costs before voting the funds to do the project. Mr. Demuth stated that typically large infrastructure projects are done this way because otherwise you could spend \$6- to \$9-million getting to a point where you are ready to go to bid or begin construction and then not have the funding; and that the City Council still has the ability to back out when they do look at the bids. Commissioner Galloway stated that they will not be able to back out of the environmental cleanup liability, though. Mr. Demuth stated that there is no liability if the project is not built. Cory Boock, MOU counsel for the City of Reno, explained that the environmental liability does not kick in until the rail corridor property is transferred, and that will not occur until 2 or 3 years down the line after all the investigations are completed and the City is comfortable with the environmental status of the property. Commissioner Galloway stated that it appeared to him that the property transferred when the bonds were issued. Mr. Boock stated that deeds do get signed, but they will sit in escrow until the mainline is severed, which will not happen until all the investigations and studies are complete and that will take 2 or 3 years. He emphasized that severing of the mainline is the "trigger"; that the property will not be conveyed until then; and that Reno is not committed to build the project until that happens. He stated that the deeds are

necessary because tax-exempt public bonds cannot be used on privately owned property.

Commissioner Shaw asked if the conditions Mr. Sferrazza suggested could be attached. Madelyn Shipman, Assistant District Attorney, stated that the only way to do that would be to direct staff to amend the ordinance and bring it back at a subsequent meeting for adoption.

Commissioner Camp moved that Ordinance No. 1047, Bill No. 1223, be adopted with both 1/8-cent pieces surviving intact together as originally intended by the legislature. She further moved that if a final court determination results in one or the other portion of the tax or sections of the ordinance being voided, it is the intent of the motion to have the remaining portion or ordinance sections survive and that this motion includes specific reference to the legislative findings set forth in Section 2 of the ordinance. The motion was seconded by Commissioner Mouliot.

Under discussion, Commissioner Galloway asked if any other Board members were supportive of amending the ordinance to include a condition concerning the value of the air rights. Commissioners Camp and Mouliot stated that they were not willing to amend their original motion. A back-and-forth discussion ensued between Commissioners Mouliot and Galloway.

Commissioner Galloway then moved to amend the motion to add conditions. The motion died for lack of a second. Commissioner Mouliot then asked the Chairman to call for the question on the original motion.

On motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried with Commissioner Galloway voting "no," Chairman Bond ordered that Ordinance No. 1047, Bill No. 1223, entitled, "AN ORDINANCE AMENDING WASHOE COUNTY CODE, CHAPTER 20, BY IMPOSING INFRASTRUCTURE SALES TAX OF .25 (1/4 CENT) WITH THE COLLECTION OF SAID TAX TO BE COMMENCED APRIL 1, 1999; PROVIDING FOR .125 (1/8 CENT) TO BE DEDICATED TO A RAILROAD GRADE SEPARATION PROJECT; PROVIDING FOR .125 (1/8 CENT) TO BE DEDICATED TO CERTAIN FLOOD CONTROL AND PUBLIC SAFETY PROJECTS; PROVIDING FOR THE ESTABLISHMENT OF AN INFRASTRUCTURE FUND AND A RAILROAD GRADE SEPARATION PROJECTS FUND; PROVIDING FOR GENERAL TAX PROVISIONS SUBSTANTIALLY IDENTICAL TO THOSE CONTAINED IN NRS CHAPTER 374 AND AS SAID CHAPTER IS AMENDED; PROVIDING FOR THE COUNTY TO CONTRACT WITH THE DEPARTMENT OF TAXATION PRIOR TO THE COMMENCEMENT OF COLLECTION OF SAID TAX AND FOR THE PERFORMANCE OF FUNCTIONS INCIDENT TO THE ADMINISTRATION OF THE TAX IN THE COUNTY; PROVIDING FOR AN EXEMPTION FROM THE TAX THE GROSS RECEIPTS FROM THE SALE OF AND THE STORAGE, USE OR OTHER CONSUMPTION IN THE COUNTY OF TANGIBLE PERSONAL PROPERTY USED FOR THE PERFORMANCE OF A WRITTEN CONTRACT ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THE IMPOSITION OF TAX OR FOR WHICH A BINDING BID WAS SUBMITTED PRIOR TO THE EFFECTIVE DATE OF THE IMPOSITION OF TAX; AND OTHER MATTERS RELATING THERETO." be approved, adopted and published in accordance with NRS 244.100.

98-1165 INTRODUCTION & ADOPTION OF "1998 SALES TAX BOND ORDINANCE"

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried with Commissioner Galloway voting "no," Chairman Bond ordered that Ordinance No. 1049, Bill No. 1225, entitled "AN ORDINANCE DESIGNATED AS THE "1998 SALES TAX BOND ORDINANCE," AUTHORIZING THE ISSUANCE OF THE "WASHOE COUNTY, NEVADA, SALES TAX REVENUE BONDS, SERIES 1998" FOR THE PURPOSE OF FINANCING THE ACQUISITION, ESTABLISHMENT, CONSTRUCTION AND EXPANSION OF PROJECTS FOR THE MANAGEMENT OF FLOOD PLAINS AND THE PREVENTION OF FLOODS AND FACILITIES RELATING TO PUBLIC SAFETY IN THE COUNTY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE METHOD OF THEIR PAYMENT AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR

ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF" be approved, adopted as if an emergency exists, and published in accordance with NRS 244.100.

Commissioner Galloway noted for the record that he is voting against adoption of this ordinance for consistency with his earlier votes against the process of increasing taxes without a vote of the citizens as well as the timing of this issue. He further stated that he does not believe sufficient data on the costs has been presented and that he is not convinced the Commission has this authority.

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There being no further business to come before the Board, the meeting adjourned at 6:20 p.m.

JOANNE BOND, Chairman
Washoe County Commission

ATTEST: BETTY J. LEWIS, County Clerk